

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department of
Telecommunications and Energy on its own motion
pursuant to G.L. c. 159, §§ 12 and 16 into Verizon
New England, Inc. d/b/a Verizon Massachusetts'
provision of Special Access Services

DTE 01-34

**MOTION OF AT&T COMMUNICATIONS OF NEW ENGLAND, INC.,
FOR LEAVE TO MOVE DTE-ATT 1-11 INTO EVIDENCE AND AT&T'S
OBJECTION TO THE ADMISSION OF EX. VZ-4 INTO EVIDENCE**

AT&T Communications of New England, Inc., requests that the Department of Telecommunications and Energy admit into evidence DTE-ATT 1-11. This information request response was inadvertently omitted from AT&T's Exhibit List. AT&T's witness Eileen Halloran responded to DTE-ATT 1-11 on May 9, 2002, and therefore all parties had knowledge of the response prior to the hearings on May 28-30, 2002. Parties had the ability to cross-examine Ms. Halloran on the information presented in her response to DTE-ATT 1-11. No party is prejudiced by the admission of DTE-ATT 1-11 now as opposed to at the conclusion of the hearings on May 30, 2002.

In contrast to AT&T's request for admission of DTE-ATT 1-11, which all parties had advance notice of before the hearings and the opportunity to cross examine the sponsoring witness, Verizon counsel proffered on the last day of hearings, after Verizon's panel had stepped down, two AT&T Broadband bills (Exhibit VZ-4). These bills have not been authenticated by any Verizon witness and could not be authenticated by the AT&T witness to which they were

presented on cross examination. Moreover, despite counsel's representation at the hearings that the missing pages of the bills would confirm the type of service AT&T Broadband provides to these customers,¹ the bills do not contain this information. Moreover, nothing in the bills demonstrates that the cable plant over which these AT&T Broadband customers receive service is even relevant to the investigation of the Department in this docket, namely the provisioning of *telephone* service. The bills simply do not show that AT&T Broadband's cable plant is capable of providing telephone services to its customers. Because these bills do not contain information relevant to this proceeding, Exhibit VZ-4 should not be admitted into evidence.

Conclusion.

For the reasons stated above, AT&T respectfully requests the admission of DTE-ATT 1-11 into evidence and the exclusion of Exhibit VZ-4.

Respectfully submitted,

**AT&T COMMUNICATIONS OF
NEW ENGLAND, INC.**

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¹ Tr. 509-510, 5/30/02 (Sousa).